

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

HOMTEX, INC.,

Plaintiff/Counter-Defendant

vs.

LEGGETT & PLATT  
d/b/a Leggett & Platt Consumer  
Products Group, et. al.,

CIVIL ACTION NO.: 11-S-1349-NE

Defendant/Counter-  
Plaintiff/Third-Party Plaintiff

vs.

XYMID, LLC,

Third-Party  
Defendant

**NOTICE OF DISMISSAL OF THIRD-PARTY DEFENDANT XYMID, LLC**

Defendant/Counter-Plaintiff/Third-party Plaintiff, Leggett & Platt, Inc. (“Leggett & Platt”), by and through its undersigned counsel, hereby dismisses, without prejudice, its third-party complaint against Third-party Defendant, Xymid, LLC, and all claims and causes of action asserted therein pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and 41(c).

Plaintiff/Counter-Defendant Homtex and Leggett & Platt have reached settlement on all issues raised in the underlying matter, and the parties each requested dismissal, with prejudice, of their respective claims against the other. Because Xymid, LLC has neither filed an answer nor a motion for summary judgment, Leggett & Platt's third-party complaint against Xymid, LLC is hereby dismissed, without prejudice.

Respectfully submitted,

s/Stephen H. Hall

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ATTORNEYS FOR LEGGETT & PLATT,  
INC.

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/ Stephen H. Hall  
\_\_\_\_\_  
OF COUNSEL